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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 UNITED STATES OF AMERICA,

Case No. 2:17-mj-00767-PAL-2

7 Plaintiff,

8 v.

ORDER

9 WANDA CEPEDA,

(Emerg. Mot. – ECF No. 19)

10 Defendant.

11 This matter is before the court on Defendant Wanda Cepeda's Emergency Motion for
12 Video Conference of Arraignment or Alternatively, Round Trip Expenses to Travel to Texas Court
13 for Indigent Defendant (ECF No. 19), filed August 16, 2017.

14 A federal grand jury in the Southern District of Texas returned an Indictment on March 21,
15 2017, charging Ms. Cepeda with (1) mail fraud in violation of 18 U.S.C. § 1341 and § 1349; and
16 (2) fraud and misuse of visas, permits, and other documents in violation of 18 U.S.C. § 1546(a)
17 and § 2. *See* Sealed Rule 5(c)(3) Documents (ECF No. 13). On July 20, 2017, Cepeda made an
18 initial appearance in a Rule 5(c)(3) proceeding in this district and was appointed counsel to
19 represent her. *See* Minutes of Proceedings (ECF No. 9). Ms. Cepeda was released on a personal
20 recognizance bond with special conditions. *Id.*; Appearance Bond (ECF No. 12). She was ordered
21 to appear as required in the district of prosecution: the Southern District of Texas, McAllen
22 Division. *See* Order (ECF No. 15).

23 The Motion asks the court to approve round trip travel expenses for Ms. Cepeda to travel
24 to McAllen, Texas, for her arraignment on August 22, 2017, or alternatively, to allow her to appear
25 in court by video conference. The motion states that lthough Cepeda was released from custody
26 after the Rule 5 hearing, she has no way of traveling at this time. Counsel has been unable to
27 secure transportation for Ms. Cepeda through any federal agency. The Motion also notes that
28 Cepeda is indigent.

1 When an indigent defendant is released on a condition of his or her subsequent court
2 appearance, a judge may

3 when the interests of justice would be served thereby and the United States judge
4 or magistrate judge is satisfied, after appropriate inquiry, that the defendant is
5 financially unable to provide the necessary transportation to appear before the
6 required court on his own, direct the United States marshal to arrange for that
person's means of noncustodial transportation or furnish the fare for such
transportation *to the place where his appearance is required....*

7 18 U.S.C. § 4285. This statute only authorizes payment of one-way travel to a court appearance.
8 It does not provide judicial authority for costs of return travel back to his or her residence. *See*
9 *e.g. United States v. Gonzales*, 684 F. Supp. 838, 841 (D. Vt. 1988) ("There is no authority to pay
10 for defendant's return to [home] after the court proceeding."); *United States v. Sandoval*, 812 F.
11 Supp. 1156, 1157 (D. Kan. 1993); *United States v. Ibarra*, No. 13-cr-3170-GPC, 2014 WL
12 4352063 (S.D. Cal. Sept. 2, 2014); *United States v. Centeno*, No. 09-cr-3120-MJL, 2009 WL
13 3334144 (S.D. Cal. Oct. 15, 2009).

14 The court finds after appropriate inquiry and good cause shown, that Ms. Cepeda is
15 financially unable to provide the necessary transportation from Las Vegas, Nevada, to McAllen,
16 Texas, where her appearance is required for an arraignment on August 22, 2017. *See* Sealed
17 Financial Affidavit (ECF No. 1). The court finds that the interests of justice would be served by
18 requiring the United States Marshal for the District of Nevada provide defendant with funding or
19 arrange for one-way, non-custodial transportation from Las Vegas to McAllen. The defendant's
20 request for travel arrangements for a return trip to Las Vegas, Nevada, is denied.

21 The request for video conferencing must be directed to the magistrate judge who will
22 preside over the arraignment in the Southern District of Texas, McAllen Division. *See* Fed. R.
23 Crim. P. 10.

24 Accordingly,


25 **IT IS ORDERED:**

- 26 1. Defendant Wanda Cepeda's Emergency Motion (ECF No. 19) is GRANTED, but only
27 to the extent of one-way transportation.

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2. The United States Marshals Service shall provide defendant with funds or arrange for one-way, non-custodial transportation from Las Vegas, Nevada, to McAllen, Texas, for the purpose of attending her arraignment on August 22, 2017.

Dated this 17th day of August, 2017.


PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE